

REMARKS

Claims 1-37 and 42-44 are pending in this application. By this Amendment, claims 1 and 37 are amended.

An Election of Species was required in this application. Accordingly, Applicant elected Fig. 1 and claims 1-2, 7-19, 21-37 and 42-44 have been examined. Applicant also submits that at least claims 1, 11, 12, 22-24 and 37 are generic to all species. Applicant also retains claims 3-6 and 20 as these claims remain generic to claim 1. Applicant thus requests rejoinder of claims 3-6 and 20 if claim 1 is found to be allowable because claims 3-6 and 20 depend from claim 1 and would thus be allowable for the same reasons that claim 1 is allowable.

Applicant appreciates the indication of allowability for claims 9-12, 15, 17, 21, 23, 25-36 and 42-43. By this Amendment, Applicant incorporates the allowable features of claim 12 into claim 37. However, Applicant asserts that all of claims 1-37 and 42-44 are allowable.

Claims 1, 2, 7, 8, 13, 14, 16, 18, 19, 22 and 24 were rejected under 35 U.S.C. §102(b) over DE 197 16 404 (DE '404). The rejection is respectfully traversed.

DE '404 fails to disclose a braking system with a valve device having a first state in which the pressurized fluid is delivered from two pressurizing chambers of said at least two pressurizing chambers to said brake cylinder, and a second state in which the pressurized fluid is delivered from only one of said two pressurizing chambers to said brake cylinder while the fluid discharged from the other of said two pressurizing chambers is not delivered to said brake cylinder, as recited in claim 1.

DE '404 fails to disclose Applicant's claimed invention because fluid is discharged from both of the chambers 4, 6 and delivered to the brake cylinder 3 when the valve device 12 is placed in both the first position 12.1 and the second position 12.2.

DE '404 discloses a braking system with a master cylinder having two pressurizing chambers 4, 6, partially defined by respective pistons 4a, 6a (Fig. 1). The master cylinder also includes a brake cylinder 3 in communication with the chamber 4, a pump 10 that is connected to both the brake cylinder 3 and the chamber 6 with the pump 10 operating during an operation of the brake operating member 2 and a valve device 12 that is connected in parallel with the pump 10. When the brake operating member 2 is operating, the valve device 12 is initially placed at a first position 12.1 that allows pressurized fluid to be delivered to the brake cylinder 3 from two chambers 4, 6. In this regard, DE '404 discloses Applicant's valve device having a first state.

When the fluid pressure generated in the chamber 6 has exceeded a predetermined threshold value, the valve device 12 is placed at a second position 12.2. Fluid thus discharged from both of the chambers 4, 6 is also delivered to the brake cylinder 3 when at the second position 12.2. In particular, fluid is delivered from the chamber 4 to the brake cylinder 3. Furthermore, fluid is also discharged from the chamber 6, as the piston 6a moves farther to the right in Fig. 1, and delivered to the brake cylinder 3 via the pump 10.

Accordingly, DE '404 fails to disclose all of the features recited in claim 1 as well as the additional features recited in claims 2, 7, 8, 13, 14, 16, 18, 19, 22 and 24. It is respectfully requested that the rejection be withdrawn.

Claim 37 was rejected under 35 U.S.C. §102(e) over Oka et al. (Oka), U.S. Patent No. 6,196,641 and claims 37 and 44 were rejected under 35 U.S.C. §102(e) over JP 11-341604 (JP '604). The rejections are respectfully traversed.

Applicant asserts that the rejections over Oka and JP '604 have been rendered moot by the incorporation of the allowable features of claim 12 into claim 37. Accordingly, Applicant asserts that neither Oka nor JP '604 disclose or suggest the features recited in claim 37 or the

additional features recited in claim 44. It is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-37 and 42-44 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Scott M. Schulte
Registration No. 44,325

JAO:SMS/sxb

Date: April 30, 2004

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
